

# Caught in the Middle

**School district leaders play referee without a rules book during debates over religion and personal values**

BY KATE BEEM

Joe Yarworth watched a train wreck unfold before his eyes.

It was April 2005, and the board of education in the Muhlenberg School District in southeastern Pennsylvania was meeting as usual. Earlier that week, Yarworth had learned that some of the more conservative parents had concerns with a book that high school English students were reading.

Yarworth, Muhlenberg's superintendent, had met previously with the parents, who asked that the book be removed from the curriculum. The book, *The Buffalo Tree*, by Adam Rapp, tells the story of a boy in a juvenile detention center. Its language can be raw as the boy relates his tale of redemption. Yarworth, a former English teacher, hadn't read the book, but he was confident that it was appropriate for 11<sup>th</sup> graders, he says.

"I don't read every book that's on the list," he says. "Quite frankly, we have a department chairman who's in charge of that."

Still, he had explained the school district's policy and procedure for parents objecting to materials to the two mothers who visited his office. The women said they were going to approach the school board anyway. So Yarworth called his board president and gave him a routine heads-up.

But what happened at the meeting

that night was anything but routine. After a 16-year-old Muhlenberg High School student stood up and read board members a passage from *The Buffalo Tree* detailing how an adolescent boy becomes sexually aroused in a communal shower, a heated discussion broke out. As school board members questioned the parents, the discussion turned to one of values. Yarworth tried to reign in the board. "I said, 'Let's remember our policy on how we deal with objections,'" he said.

No board members had read the book under question. Yet within the hour, the board had unanimously passed a motion that the book be removed from the curriculum. And before Yarworth knew it, his board had landed the school district in a pickle.

After the meeting, "I turned to the board president and said, 'We've got a problem. You've banned a book, and you violated your own policy.'"

And so sparked a news story in *The New York Times* and an emotional debate within the 3,100-student district about community values and the school district's role in advancing those values.

## **Smacked Down**

If Yarworth felt hung out to dry that spring night, he had lots of company around the country. Almost daily, it seems, stories pop up of public schools

mired in controversy over religion and personal values. While the country remains overwhelmingly Christian, the number of individuals identifying themselves as such dropped 10 percentage points between 1990 and 2000, according to the 2001 American Religious Identification Survey conducted by researchers at the City University of New York.

As American society becomes less and less homogenized, public schools have to adapt. But sometimes those that try to address the rising diversity in the student ranks get smacked down by conservative and liberal critics alike.

Last May, for example, a superintendent and school board in Potosi, Mo., southwest of St. Louis, invited a creation scientist to speak to high school science students against the outcry of church-state watchdog groups. A month later, a Las Vegas high school student's valedictory graduation speech was cut short because she began referencing God and Jesus Christ. The school district was lambasted on conservative talk shows and websites.

More often than not, superintendents suffer the consequences of unpopular decisions, even when they're bystanders, like Yarworth was. For many, the superintendent carries the school district's flag and often must clean up the political mess to save face for the school board.

These sorts of incidents have been happening for years, but with the advent of the Internet, 24-hour cable news channels, weblogs on every imaginable issue and instant messaging, the stories become magnified as never before. And as the cultural clashes that emerged during the past decade continue and the stakes for some become higher, the nation becomes more polarized between those who hold conservative and liberal views. There's not much for superintendents to do but grit their teeth and soldier on.

"These people are in a very difficult position, and I have a tremendous respect for what administrators have to deal with," says the Rev. Barry Lynn, executive director of the watchdog group Americans United for Separation of Church and State.

Mike Johnson, senior legal counsel for the Alliance Defense Fund, which often challenges school districts over stu-



Joseph Yarworth formerly was the superintendent in Muhlenberg, Pa.

**"As American society becomes less and less homogenized, public schools have to adapt."**

dents' and teachers' rights to religious expression, agrees. "I wouldn't want to be a school superintendent these days," Johnson says. "They bear the brunt of this."

#### **Middle Ground?**

For Yarworth, 61, *The Buffalo Tree* incident couldn't have come at a worse time.

After 15 years as a superintendent, nine in the Muhlenberg district, Yarworth had decided to retire at the end of the 2004-05 school year and become an education professor at nearby Albright College in Reading, Pa. When his school board stirred the book-banning pot, though, Yarworth decided to delay his announcement and focus instead on resolving the conflict.

He'd lived in the district for 23 years. He knew the high school English teacher who allegedly ignored a parent's request for an alternate reading assignment. He knew the high school principal. He knew the board members. No one was politically motivated. All thought they were right. And Yarworth had to find a balance.

"I said, 'Where is the middle

ground?'" Yarworth says. "Do you really want to be in the book-banning business?" I saw my role as working with the board in public and working behind the scenes to see if the board could revise the curriculum materials policy to give parents more information."

Ultimately, the nine-member school board reversed its knee-jerk book ban and updated its policy allowing parents to review curricular materials and to ask for alternative reading assignments if they don't want their children reading a particular book. At the end of each school year now, students receive reading lists for the coming year. Some parents objected to this change because they felt that those who'd wanted the book banned had won, but Yarworth says he never saw the issue as win-or-lose.

"To me, this moves us all forward in the debate," he says. "It wasn't an experience I'd like to do again. But after 39 years in public education, it worked out as it should have. Sometimes you lead by being out front, and sometimes you lead by being behind the scenes and getting everyone back on track."

Dealing with controversial issues like religion in public schools doesn't have to be difficult, says Charles Haynes, who directs the Freedom Forum's First Amendment Center's educational program. To be sure, laws governing church-state issues can be hazy and sometimes unfamiliar to school administrators, who are busy worrying about lifting student test scores, adequate yearly progress and

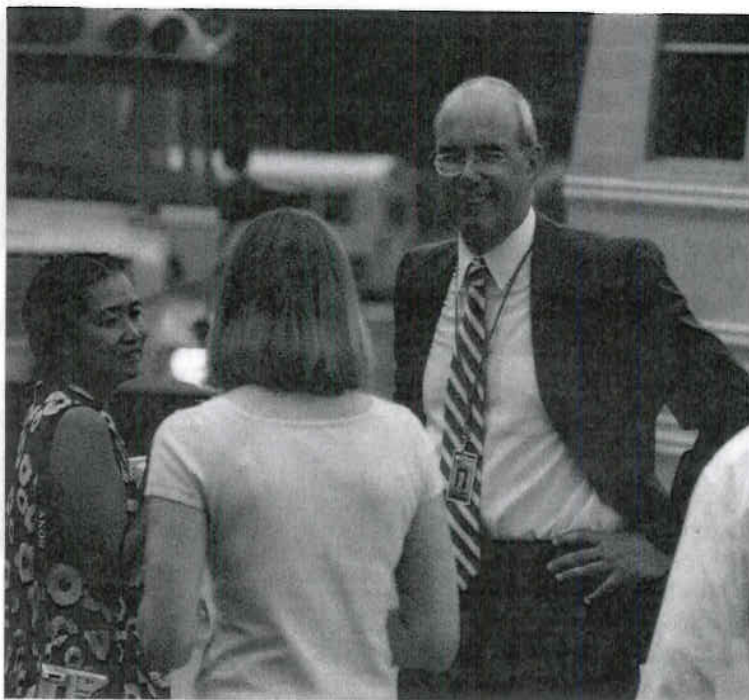
budgetary matters. But ignorance, of course, is no excuse. And it behooves school administrators — especially superintendents — to know what's going on, Haynes says. Proactivity can save headaches later.

Indeed, the U.S. Department of Education mandates that school officials educate themselves as to what's appropriate and what's not when it comes to religion in the schoolhouse. The federal No Child Left Behind law, for instance, requires districts to attest that the Department of Education's guidelines governing religious expression in public schools are being followed. The guidelines offer specific guidance on such issues as student prayer, graduation prayer and baccalaureates, teaching about religion, student assignments and student attire.

It's pretty straightforward: Students can pray, talk about their faith and debate and attempt to persuade their classmates about religious topics. But "the right to engage in voluntary prayer or religious discussion free from discrimination does not include the right to have a captive audience listen or to compel other students to participate," the guidelines say.

Yet despite the simplicity and ease of access of the guidelines, school officials sometimes invite their own problems, Haynes says, by insisting that religion has no place in public schools. That's not what the separation of church and state is all about, he says.

Keeping church and state separate, in accord with the intent of the framers of the U.S. Constitution, means the state or state-sponsored bodies (such as public school districts) cannot promote one religion over another. No praying over the public address system before lunch or putting on a nativity pageant. But it doesn't mean ignoring religion altogether. With student bodies growing more diverse by the year, it's best to become inclusive, rather than exclusive,



Donald Parks is interim superintendent of Winnisquam Regional School District in Tilton, N.H.

Haynes says. Yet many school districts either don't have policies governing these issues or have policies they don't follow.

### Biblical Studies

Superintendents and school boards sometimes walk a perilous path as they strive to strike a balance.

High school students in the Winnisquam Regional School District in Tilton, N.H., this fall had the opportunity to enroll in a pilot class on the Bible as literature. The school district is one of about 300 around the country considering or offering a course based on the textbook *The Bible and Its Influence*, published by the Fairfax, Va.-based Bible Literacy Project. The publisher in June released a report funded by the John Templeton Foundation arguing that English professors at leading American universities believe students need to know about the Bible in order to be truly educated.

Don Parks, interim superintendent of the Winnisquam district, balked at first when the high school principal asked about offering the course. "The initial blush is, I don't think so because you've got that whole church-state issue," says Parks, 63. Then he examined the text and brought the issue before the board of education, which

eventually accepted the premise that a grounding in biblical themes was necessary to understand everything from classical literature to art, music and architecture.

So the course is getting a tryout this year, aimed at students heading toward Advanced Placement English, although there's no prerequisite to take the class. The 1,700-student district 18 miles north of Concord, N.H., has received little or no criticism for offering the class, Parks says. He doesn't anticipate much reaction either, given the district's demographics — mostly white and blue-collar.

Courses such as the one offered in Winnisquam receive special attention in the Department of Education guidelines, which read, "it is permissible to consider religious influences on art, music, literature and social studies." Haynes has said the textbook Winnisquam is using successfully keeps religious discussions out of examinations of the Bible's influence on literature, art, history and culture. But Lynn, of Americans United, disagrees. There's no way a class on Biblical influences can't impart information on the Christian worldview, he says. And is that the best way to spend students' time in school?

"We've cut art, music and P.E.," Lynn says. "Geography doesn't exist anymore. So why be worried if we're teaching enough about Bible images? Talk about it when it comes up."

### Football Prayers

Yet schools need to reflect their communities. And if a community wants to offer students a class on the Bible as literature, it can be done constitutionally, Haynes said.

Sometimes what the community wants or has done for years and years isn't OK. And pointing that out can land the superintendent on the hot seat. Just ask Harold Patterson.

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# Policy Preparation Can Stem Legal Woes

**L**egal fights over church-state issues in public schools will only increase over the next several years, if experts on both sides of the issue are correct.

Liberal observers say conservative religious groups are waiting for a friendly U.S. Supreme Court that will be willing to take a case that could overturn rulings strengthening the wall separating church and state. And conservative groups see godlessness in public schools undermining students' right to free speech.

Mike Johnson, senior legal counsel for the Alliance Defense Fund, a legal organization championing Christian conservative causes, has said schools are the foremost "battleground" in the culture wars. "Teachers are in the crosshairs," Johnson told the *Baptist Press*, a publication of the Southern Baptist Convention.

## Being Ready

So school superintendents need to prepare themselves and their school boards, if not for battle, then for a strong defense, both on the legal and public relations fronts, says Charles Haynes, who directs the Freedom Forum's First Amendment Center's educational program. Haynes frequently offers advice to school districts criticized on either side of the issue. He finds superintendents are not only completely taken aback when such situations arise, but they're also totally unprepared.

"There may be good reason for that," Haynes says. "If there's no immediate problem, they don't want to stir up anything."

And often, upon scrutiny, many districts don't have current policies or processes in place to deal with student religious expression. Some are hostile to people, believing that religion has no place in school. Others have never brought policies up to present standards prohibiting government-endorsed displays of prayer.

Issues usually arise out of ignorance, Johnson allows. "In my own experience, in excess of 90 percent of the situations we encounter are based upon a misunderstanding of the law, rather than malicious intent," Johnson says.

Haynes advises school districts to develop



Stephen Uebbing is the superintendent in Canandaigua, N.Y.

policies and procedures to deal with these issues and to involve community members, not just the school board. And it's best to do so before a situation arises, he says, but that idea often is a tough sell. Superintendents and boards sometimes find being proactive on these issues counterintuitive, worrying that problems will develop. But involving the entire community in these kinds of discussions can engender support from unlikely places, Haynes says.

"The other direction is almost inevitably going to end in a fight," he says.

## Cultural Sensitivity

That's what Mort Sherman discovered. Now the superintendent of the 3,500-student Tenafly, N.J., School District, Sherman, 56, was just taking the helm of the South Orangetown, N.J., district in 1992 when he realized he had a potential problem on his hands. At a reception welcoming him to the 3,000-student district, a board member asked Sherman his opinion of displaying a crèche in a school district building.

At first blush, Sherman shied away from that idea. So had the school board. But after consulting Haynes, Sherman and his board

convened a 40-member committee to study the issue. The committee included a Catholic priest, a rabbi, parents and teachers. After studying the law and discussing the issue as it related to that particular community, the committee decided that displaying a nativity scene was all right, as long as it was tied to some aspect of the curriculum. But the district also needed to include symbols from other religious and cultural celebrations, such as Hanukkah and Kwanzaa.

The important thing, Sherman says, is to consider what's legal under the U.S. Constitution and the First Amendment. And anything done in school should be tied to curriculum and instruction. Teaching about religion is all right; teaching religion isn't, Sherman says.

In Tenafly, the issue hasn't come up. But Sherman is considering starting the discussion himself. He doesn't always want to be in the position of reacting, he says.

"That doesn't give you the opportunity to sit calmly and raise issues," he says.

Stephen Uebbing, a superintendent in upstate New York, tells folks that in the end, it's all about the kids. When his district, the Canandaigua City Schools near Rochester, encountered an issue four years ago, it revolved around some elementary students feeling left out. One well-meaning teacher had assigned her students homework that required them to be Christians to complete it: they were writing about how their families decorated their Christmas trees. Some non-Christian children returned to school upset because they couldn't complete the assignment. And Uebbing realized his mostly white, mostly Christian district wasn't being accommodating to some in the minority.

"It should never happen that a child goes home and has had a bad day because of what their religious beliefs are," says Uebbing, 55.

After studying the issue, the board of the 4,400-student district decided to use the winter holiday season as a time to teach about diversity. So in December, schools contain symbols from many religions, and students learn why different groups celebrate differently.

— Kate Beem

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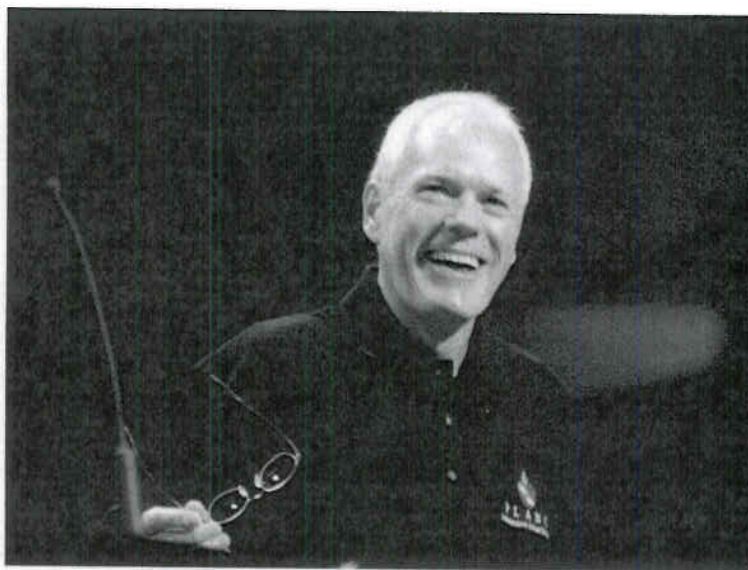
Now retired, Patterson, 74, spent 24 years as a school superintendent. He helped shepherd two South Carolina districts — Greenville and Sumter — through desegregation in the early 1970s. He'd weathered threats and taunts and all kinds of ugliness. What happened during his last job, in Guntersville, Ala., was another clash of values.

Patterson came in 1988 to Guntersville, a district of 1,800 students located 70 miles northeast of Birmingham, after retiring from the top job in a school district in Spartanburg, S.C. Things were smooth sailing for several years. Then in 1997, a federal judge struck down Alabama's 1993 school prayer law, ruling that public schools could not allow school-sponsored prayer or organized Bible reading on school property. That was enough for Patterson, who told his school board that the school district needed to cease allowing ministers to offer prayers from the press box before high school football games.

Immediately, Patterson was painted by some board members as anti-Christian. Two new members of the appointed school board immediately asked for Patterson's resignation, which he declined to give. After subsequent board haggling over the issue, two board members resigned. By November, still refusing to leave quietly, Patterson was told by board members that the public had lost confidence in him. In May, the board put him on administrative leave and for the next three years paid him to act as the district's legislative liaison. He finally retired.

After the fact, some board members felt remorse for the way they treated him and how the situation played out, Patterson says. He harbors no regrets and no ill will, still living in Guntersville. He took the high road, which is the best he could do under the circumstances.

"What you really have to do is, you have to do what is right, and if it means you're eventually going to have to find a



Doug Otto is the superintendent in Plano, Texas.

job, just keep your options open," he says.

Meanwhile, public prayer continues before Guntersville's football games, Patterson says. Now it's called a "moment of meditation."

### Disdainful Opponents

Schools have been grappling with these issues since the early 1960s, when two U.S. Supreme Court rulings outlawed organized prayer in public schools. The rulings in *Engel v. Vitale* in 1962 and *Abington Township School District v. Schempp* in 1963 held that government officials shouldn't compose prayers for public school students to recite or compel students to participate in devotions.

And from the late '60s through the 1980s, federal courts handed down a series of rulings that sounded the death knell for the study of creationism in public schools. Time and time again, the courts have rejected attempts by school districts to dismiss evolutionary theory or to add creationist science, which holds that God created the universe and everything in it in six days.

For some Christian conservatives, the public schools began to feel like a hostile place. They worried that public schools had turned away from the country's educational foundation — small schools run by churches that taught right and wrong from the Bible as the basic text. The release of "A Nation at Risk" nearly 25 years ago gave voice to conservatives' deepest fears about the effects public

schools were having on their children. The report, compiled by a panel appointed by President Ronald Reagan, sharply criticized American education and gave many conservatives a scapegoat for society's problems — skyrocketing divorce rates, teen-age pregnancy, sexually transmitted diseases.

During the last decade, several Christian conservative leaders, notably Pat Robertson and Jerry Falwell, have publicly stated their disdain for the nation's public education system. Robertson has said

that 19th-century reformer John Dewey trained teachers to spread the "poison" of secular humanism into public schools.

Falwell has been vocal in his support for a school voucher system that would allow parents to send their children to either public or private schools. And in his 1979 book *America Can Be Saved*, he wrote, "I hope I live to see the day when, as in the early days of our country, we won't have any public schools. The churches will have taken them over again and Christians will be running them."

Both ministers, Robertson and Falwell are affiliated with legal organizations that frequently sue or threaten to sue school districts over religious freedom issues. Robertson is affiliated with the Washington, D.C.-based American Center for Law and Justice, which he founded, and Falwell is connected with the Liberty Counsel in Orlando, Fla. The two groups also frequently work with other similar conservative legal aid societies, such as the Alliance Defense Fund in Scottsdale, Ariz., and the Liberty Legal Institute in Plano, Texas.

Robertson has hailed recent changes in the U.S. Supreme Court, especially the appointments by President George W. Bush of John Roberts Jr. and Samuel Alito to the bench. Robertson launched Operation Supreme Court Freedom to pray for additional vacancies on the court, among other things. "The Supreme Court is the last bastion of liberal power," Robertson wrote in a letter published on

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PHOTO COURTESY OF PLANO INDEPENDENT SCHOOL DISTRICT

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the Christian Broadcasting Network website. "For over 40 years, black-robed tyrants have pushed a radical agenda in America with devastating results."

Joe Kobylka, a political science professor and Supreme Court scholar at Southern Methodist University, believes there's a method to the increase in lawsuits aimed at public school districts over religious expression, book-banning, sexual education curricula, intelligent design and the like. If it seems like some groups are itching for a fight, it's because they are, Kobylka says. Conservative legal aid organizations are constantly looking for test cases, and if you cast your net wide enough, pretty soon you'll catch a fish, he says. And sooner or later, one of those cases likely will end up before the U.S. Supreme Court, whose ideological pendulum is swinging from left to right.

Justices Antonin Scalia and Clarence Thomas are on record criticizing the wall of separation between church and state. Roberts and Alito tend to side with Scalia and Thomas, so conservatives figure they need just one more friendly justice to reverse 40 years of unfavorable rulings, Kobylka says.

"If you keep throwing pasta against the wall, eventually a piece is going to stick," says Kobylka, co-author of *The Supreme Court and Legal Change*. "And they're waiting for a piece to stick."

Meanwhile, school districts shouldn't just sit back and wait for the fight to start, Haynes says, especially knowing that conservative legal groups are hoping to find cases to overturn the ban on school-sponsored prayer and other overtly religious expression. Examining existing policies, developing new ones and making sure patrons and teachers know what they are can go a long way toward staving off the attention of not only conservative groups like the Alliance Defense Fund and Liberty Counsel, but also more liberal-leaning groups such as People for the American Way and the American Civil Liberties Union.

The watchdog groups offer legal advice to persons who feel their rights have been violated. Sometimes the groups file suit against schools districts. Other times, they send demand letters, threatening legal action if a district doesn't change an offensive policy or apolo-



Tom Williams

gize for some action. Often even the demand letters turn into public relations nightmares when the national media learn of the controversy, Haynes says.

"No one wants to get 600 e-mails from around the country every day," he says.

While liberal groups tend to charge violation of the First Amendment's establishment clause (prohibiting government from setting up a state religion), conservative groups often focus on perceived intrusions on individuals' rights to free speech. Of late, liberal groups such as the ACLU have been less trigger-happy, Haynes says.

### Candy Canes

Frustration mounts almost daily for Doug Otto, superintendent of the 53,000-student Plano Independent School District in suburban Dallas. You can hear it in his voice as he describes the school district's frequent run-ins with the Liberty Legal Institute, whose offices are located within the boundaries of the Plano district. Otto, 56, assumes the district's proximity to the conservative legal group's headquarters is what garners it the ongoing attention from Liberty Legal, which has filed two lawsuits against Plano since 2003.

The troubles first arose in December 2003. A 3<sup>rd</sup>-grade boy wanted to include a religious message in goodie bags that he brought to distribute to classmates during the school's holiday party. The message was the "Legend of the Candy Cane," which alleges that candy canes

were invented by a Christian candy maker who wanted to tell the story of Jesus. The student's teacher told him he couldn't pass out the goodie bags during the class party, but he could give them out in the library.

Liberty Legal fired off a letter demanding the boy be allowed to pass out the candy canes, but Plano responded that district policy prohibited it. Over the course of the following year and after continued correspondence from Liberty Legal, the district changed its policy, Otto says. In December 2004, the boy was allowed to pass out the candy canes.

But Liberty Legal filed suit anyway. Attorney Hiram Sasser, director of litigation for Liberty Legal, says the school district's revised policy still did not straightforwardly indicate that students could bring gifts with religious messages to school. Liberty Legal believed that meant the restrictions still were unconstitutional.

"There's a large, huge constitutional difference between the speech of the government and the speech of the individual," Sasser says. "It's a simple area of law. If they can't manage to teach kids the difference between public speech and private speech, you wonder if they can teach at all."

Sasser says he can immediately tell when one of these situations arises whether a district will acquiesce to Liberty Legal's demands or whether there will be a legal fight. In urban areas, school districts tend to hold to a strict interpretation of the church-state divide. Rural school districts come around more quickly, Sasser says.

For example, he points to the Katy Independent School District outside Houston and the Mansfield Independent School District, an outer-ring suburban district near Fort Worth. When the candy cane situation arose in Mansfield in 2005, Liberty Legal complained, and the district immediately allowed students to distribute the religious message. But when the issue arose in the Katy district, Liberty Legal met a roadblock. A suit is ongoing, with Liberty Legal receiving assistance from the Alliance Defense Fund.

Bonnie Holland, assistant superintendent of the 44,000-student Katy district, says the district was surprised when Liberty Legal sent its written demand and requested a temporary restraining

order against school officials. After the candy cane issue, the district requested help from Haynes of the Freedom Forum, who helped produce a booklet outlining district policies regarding student expression.

Sasser chalks up the Katy district's incredulity to liberal bias in public schools. He maintains that if the district had been responsive to Liberty Legal's original demand letter, the lawsuit never would have occurred.

"The moral of the story is, if you're warned, heed the warning," Sasser says.

#### O'Reilly's Factor

Otto vehemently disagrees, of course. He says Liberty Legal is just looking for media attention. For proof, he points to the public relations debacle that happened after Liberty Legal filed suit to call into question the legal organization's motives. Last December the Plano district was scolded by conservative commentators across the country for banning Christmas. Bill O'Reilly, host of "The

O'Reilly Factor" on Fox News, charged the Plano district "told students they couldn't wear red and green because they were Christmas colors."

"That's flat-out fascism," O'Reilly told his viewers during an early December airing of "The O'Reilly Factor."

And flat-out untrue, Otto says. O'Reilly even repeated the falsehood on "The Late Show with David Letterman." Hateful e-mails and phone calls began to stream into the school district. "It was totally out of control," Otto says.

The superintendent held a press conference to ask for an apology from O'Reilly, while standing in the lobby of the district's administrative building in front of several Christmas trees on display there. He posted a clarification letter on the district's website that read in part, "The school district does not restrict students or staff from wearing certain color clothes during holiday times or any other school days."

The Plano district's attorney also requested that O'Reilly retract the state-

ment and that he instruct his fact checkers to "do a more thorough job of confirming the facts before he airs them." Eventually, O'Reilly retracted his statements on Dec. 20, 2005 — 11 days after the initial report of the supposed red-and-green ban.

In the Dodgeville, Wis., School District, officials fought a similar battle in December 2005, thanks to O'Reilly and the Liberty Counsel. The school district was accused of secularizing the Christmas carol "Silent Night" because the tune was used with different words during a winter holiday program at Ridgeway Elementary School. The program, written years ago and performed several times before at Ridgeway, contained a song titled "Cold in the Night," though "Silent Night" also was performed during in the program.

Liberty Counsel grabbed headlines and solicited donations with its claims of a "war on Christmas," citing the 1,300-student Dodgeville district as "exhibit A." Although the district

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denied the charge and newspapers and other media outlets debunked Liberty Counsel's claims, the campaign of misinformation continued.

So in January 2006, the Dodgeville district and its superintendent, Diane Messer, fought back. Eileen Brownlee, the district's attorney, sent Liberty Counsel a letter demanding a widely distributed apology and \$23,899.48 in damages. "Your dissemination of false and misleading information and your threats of specious and frivolous litigation resulted in enormous cost to the district," wrote Brownlee in the letter, parts of which were published in January in the *Wisconsin State Journal*. "You used this red herring to attempt to collect money through the form of donations."

Mat Staver, president of Liberty Counsel, later called the district's request for retribution "ridiculous" and countered that the district should have called Liberty Counsel, which could have averted the controversy.

Messer declined an interview request for this story, saying anything she said

would be twisted and misconstrued by Liberty Counsel. Neither Brownlee nor Staver could be reached for comment.

Barry Lynn of Americans United praised the Dodgeville district, located about 50 miles west of Madison, Wis., for standing up to what he considers the bullying tactics of Liberty Counsel. "Rarely do schools feel confident enough to do that," he says. "That was actually a very heroic action."

### Creationism Support

More often than not, though, superintendents just hope the unwanted attention goes away. In Dover, Pa., the district is media-weary with school leaders, including Superintendent Richard Nilsen, declining requests for interviews. That's not surprising, given the months of scrutiny the 3,500-student district underwent after its school board mandated that students learn about intelligent design. The concept posits that life in the universe is too complex to have evolved over millions of years, as Darwinian evolution asserts. Intelligent

design holds that a designer must have been involved.

Intelligent design has appeared to enjoy a groundswell of popularity since the late 1990s when the Kansas Board of Education adopted state science standards that downplayed evolution. At that point, a group of intelligent design supporters began lobbying states and local districts to consider teaching about flaws in evolutionary theory and exposing students to other ideas, ideas that mainstream scientists call bunk. According to a 2005 survey by the Pew Research Center for the People and the Press, though, more than 40 percent of Americans say that humans and other living things have existed in their present form since the beginning of time.

In 2004, the school board of the Dover Area School District, located in southeastern Pennsylvania about 50 miles northwest of Baltimore, caught international attention when it required that 9th-grade biology students learn intelligent design alongside evolution, the theory commonly accepted by scientists that all living things share common ancestors but have changed over time. Board critics claimed that the requirement was a thinly veiled attempt to require public school students learn creationism, which has been struck down several times by the U.S. Supreme Court.

A group of parents sued the school district, and voters in November 2005 ousted the board members who approved the curriculum changes. A month later, U.S. District Judge John E. Jones III ruled in *Kitzmiller et al. v. Dover Area School District* that intelligent design is a form of creationism, not science, and that members of the Dover board lied under oath to hide their religious motivations. Earlier this year, the new school board threw out intelligent design.

Evolution supporters hailed Jones' decision as groundbreaking, although it's debatable whether it will set any precedent outside Pennsylvania. But coupled with the Kansas state board's continued support for intelligent design, the ruling has had ramifications across the country.

In southern California, encouraged by a community member affiliated with a group that questions evolution, the school board of the Lancaster School



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The AASA Job Bulletin is the No. 1 source for advertising superintendent openings.

District in March updated its science philosophy to reflect changes in the California Science Framework. But the board also included a paragraph that included this: "Students should learn that science never commits itself irrevocably to any fact, hypothesis or theory, no matter how firmly it appears to be established. Evolution, then, should be taught as theory, as opposed to unalterable fact."

Superintendent Steve Gocke declined to be interviewed, insisting there is no controversy. But representatives of People For the American Way beg to differ. Asserting that evolution is only a theory is false and misleading, says Judith Schaefer, deputy counsel for PFAW. In science, a theory is a fact. It's not a "hunch," as the word means in everyday speech, Schaefer says.

Questioning evolution is the latest tack taken by those who disagree with the theory as godless, Schaefer says. Christian conservatives have failed to keep evolution from being taught, they've failed to achieve equal time for creation science in the classroom, and they've recently failed to inject intelligent design into science lessons. So now students are being urged to find the "gaps" in evolutionary theory, the spots that haven't been explained yet.

"The scientific community does not question evolution in terms that it's an unacceptable theory," Schaefer says.

### Snowball Effect

The Dover decision wrought another kind of havoc. Not long after Jones made his ruling, reporters scrambled to localize the story. In Muscatine, Iowa, a reporter for a local newspaper called school board members from the Muscatine Community School District to gauge support for intelligent design. Opinions were all over the board, says Tom Williams, 52, who is in his 13th year as superintendent of the 5,600-student district located between Iowa City and the Quad Cities.

One board member told the reporter he'd like to see intelligent design discussed. The story went out on the wire, and before Williams knew it, he was talking to reporters from Des Moines to New York. Williams was quoted in *The New York Times* and received a letter from a Harvard University professor and former Iowan, chastising the district for

considering intelligent design.

"It was like a snowball, with some of these big outfits picking up on it," Williams says. "When I saw the first article, I thought, 'Oh, my goodness. Where is this going to be headed?'"

Controversy swirled for a week with stories becoming more and more outlandish, Williams said. Eventually, he stopped responding to calls. Soon the attention faded.


But the district is beginning to rewrite its science curriculum, as it does period-

ically, with a committee made up of board members, parents, community members and faculty representatives. Williams says he's fairly certain the curriculum will not include any reference to intelligent design.

"From the way it looks to me, the courts are pretty clear," Williams says. "Intelligent design is part of creationism." ■

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